

MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON MONDAY NOVEMBER 21, 1994 8:00 P.M. TRUSTEES MEETING ROOM, 85 MAIN STREET, IRVINGTON, NEW YORK.

Present: Dennis P. Flood, Mayor
Garrard R. Beeney, Trustee
Sheila M. Attai, Trustee
James McNiff, Trustee
Robert H. Pouch, Trustee
Stephen A. McCabe, Administrator
Kevin J. Plunkett, Village Attorney
Lawrence S. Schopfer, Clerk-Treasurer
Richard A. Denike, Police Chief
Robert M. Bauer, Superintendent of Public Works
Eugene Hughey, Building Inspector

The meeting was called to order by Mayor Flood who led the attendance in the pledge of allegiance to the flag of the United States of America.

Trustee Pouch made a motion to adopt the minutes of the regular meeting of the Village Board held on November 7, 1994. The motion was seconded by Trustee Attai and unanimously approved.

Mayor Flood opened the floor to public comment regarding any issues other than those on the agenda. There was no comment from those in attendance.

Mayor Flood opened the informational public meeting regarding the Burnham Building/Library Expansion Project. He indicated that the building was in excess of 100 years old and renovation of the entire building for Village purposes would be too expensive. He noted that although the additional space of the entire building would be welcomed, there are other capital needs within the Village towards which the Village plans to focus its efforts. These thoughts have led to the selection of a lead offeror for the project. He also noted that nothing is etched in stone and that considerable negotiations lie ahead. With that Mayor Flood introduced Trustee Pouch for his presentation.

Trustee Pouch extended a welcome from both the Library Board and Village Board to those in attendance. He proceeded to pass out a handout relating to the proposed Library Expansion Plan. A copy of this handout is attached hereto as a part of these minutes. Trustee Pouch then introduced John Saraceno and Thomas Haynes from TriCourt Contracting as lead offerors and yielded the floor to them for a brief presentation.

Mr. Saraceno and Mr. Haynes proceeded to discuss the history of their involvement with the Burnham Building and described their plan as outlined in the handout previously mentioned.

Mary Morrisett, chairwoman of the Library Board, spoke on behalf of the entire Library Board. She indicated her approval for the project and the progress that has been made to date. In addition, she outlined several concerns as indicated on the attached letter from the Library Board to the Mayor and Trustees.

Mayor Flood opened the floor to public comment regarding the Library Expansion Project. Frank Martucci raised questions about the selling price of the building to TriCourt. Trustee Pouch indicated that the selling price was still under negotiation. Mr. Martucci questioned how the Village could arrive at a deal without knowing the financial arrangements. He claimed that it was "like hitting a moving target." Clerk-Treasurer Lawrence Schopfer indicated that the selling price would be substantially below market value because the Village was being compensated in the form of construction work for the first floor of the Library. Mr. Martucci further questioned why this particular developer was considered the front-runner, especially because the financial arrangements have not been completed. Administrator Steve McCabe indicated that this group presented the Village with the most versatile plan which achieves the Village Board's stated goals of a first floor Library at a reasonable cost to the taxpayers. Trustee Attai noted that another factor was the commitment by the developer to relocate their offices to the new building and the use of the building as a showcase for their work.

Mr. Martucci expressed his disappointment that many issues were not resolved. Trustee Beeney clarified the Board's goal for this evening's meeting as follows: The purpose of this meeting is to present the public

Page 2 - Minutes of November 21, 1994 Board Meeting

with a status report of exactly where the Board is on this project. It has *never* been the intention of this Board to finalize a deal and present the public with the details "after the fact".

George Rowe stated that he thought that the bonds or notes used to purchase the building would be completely retired by the proceeds of the sale of the building affronting Main Street. He was concerned that the current plan does not accomplish this. Mary Morrisett indicated that in an article published in October 1992 (before the purchase of the building), the Library Board had indicated that depending upon fundraising and grants, the cost of the Library, including construction and renovation costs, could be \$750,000. Barbara Denyer indicated that it was her recollection that the building would be acquired for \$750,000 and a portion of this acquisition cost would be recovered. Mayor Flood, indicating that he was a member of the Board that passed the original bond resolution, noted that between the acquisition cost and renovation cost of the building, the final cost to the taxpayers was estimated not to exceed \$500,000. He stated that it was never the estimation that this project would be completed at no cost to the taxpayers.

John Cooper-Mullen questioned whether the planning board would have to get involved in this project. Administrator Steve McCabe indicated that the planning board, as well as other boards such as zoning and architectural review would get involved, as necessary, in the normal course of business. Mayor Flood noted that there is currently nothing to discuss with respect to this project, however, by January there should be.

Nicola Coddington asked who would be on the negotiating team. Trustee Pouch indicated that besides the current team of Trustee Attai, Administrator Steve McCabe, and Clerk-Treasurer Lawrence Schopfer, the team would be expanded to include representatives of the Library Board, Counsel, and the Library Board's architect Steven Tilley.

Jack Russell questioned whether the Village Board had considered the financial background of TriCourt as it relates to the construction of the agreed-upon Library. Trustee Pouch indicated that this subject had been addressed by performing due diligence work on the personal financial statements of the principals of TriCourt and obtaining Dun & Bradstreet information. In addition, Village Attorney Kevin Plunkett indicated that such performance issues would be considered in the contract negotiation process. He noted, for example, that a performance bond could be required of the developer to protect the Village's interests. Trustee Beeney also noted that the performance of the developer only relates to the first floor of the building, which would be built to negotiated specifications. Trustee Attai also noted that the standards under which the developers must operate are very strict in order to keep in compliance with the historic tax credit criteria. Mr. Russell also questioned the ultimate size of the first floor library. Trustee Pouch indicated that the first floor consisted of approximately 11,000 sq. feet and 2,000 sq. feet of storage space in the basement.

Barbara Fragomen stated that she did not think that the developer or the Village Board had given enough thought to the complicated issues of not owning the entire building. She cited, for example, the tax implications and the maintenance of the building. Trustee Pouch agreed that the issues involved are complex, however, he felt confident that the negotiating team and the Village and Library Boards, with the many resources available to them, would successfully complete this project.

Brenda Livingston stated that she believed that the project team was doing a good job and the project was going well so far.

Patrick Gilmartin inquired as to the amount of equity that the developers planned to put up for this project. Mr. Saraceno stated \$400,000. Mr. Gilmartin questioned when title would pass in this project. Mr. Saraceno speculated that the date of title passage was not determined, however, it probably would be some sort of turnkey arrangement, whereby when the Village receives its finished Library space, title will pass on the building.

John Meszaros discussed the new building to be constructed to the south of the main building. He questioned whether the views from the properties located on South Buckhout Street, including his own house, would be obstructed in any way. Mr. Haynes showed conceptual drawings of the views from those properties. He told Mr. Meszaros that because the new structure was only 1 story, it had little chance of blocking views to the Hudson River.

George Rowe questioned what the size of the 18 apartments would be. Mr. Haynes stated that the average size would be 700 sq. feet. He also noted that there may be some 2 bedroom units which would be of a larger size, however, plans have not been finalized.

Page 3 - Minutes of November 21, 1994 Board Meeting

Barbara Denyer questioned whether the apartments would be condominium/ownership or rental units. Mr. Saraceno stated that the plans call for condominium, however, if there is more of a demand for rental units, the plans could be changed to accommodate this need. He noted that the plan is workable either way.

Ms. Coddington questioned whether there is a need for more retail space and apartments. She also questioned whether people will park on roofs. Mr. Saraceno responded to the first inquiry by indicating that they believe there is a strong need for both retail and apartments of this size. Trustee Attai further indicated that the rental market for such apartments is strong.

Mr. Gilmartin was unsure of whether the Village would be buying back space that it already owns. Trustee Pouch clarified the issue by indicating that the Village already owns the entire building. When construction is completed on the first floor, it will transfer ownership of the entire building to the developers. There probably will be a 99 year lease for the first floor Library and there will be no more cash outlay at that time.

Robert Buford, in response to the questions of need for retail/residential space, reminded those in attendance that the developers are bearing the risk of this venture. If the project does not work, it is their responsibility. The Village will still end up with a first floor Library.

Ms. Fragomen questioned the construction of the ramp, including such issues as parking and lighting. Mr. Haynes fully described the proposed ramp to the roof of the new retail structure.

Earl Ferguson raised the issue of parking with the new structure being built. Mr. Haynes stated that the new structure and ramp would result in approximately 8 more parking spaces than currently exist. Mr. Ferguson also expressed concerns about traffic congestion in this part of the Village. He further questioned about the Historical Landmark status of the building. Mr. Saraceno stated that this building definitely qualifies and the historical tax credits are an important funding source for this project.

Mr. Cooper-Mullen noted that parking is always needed in the Village, however, this project sounds like it has adequately addressed the parking issues.

Mr. Meszaros complained about the traffic and excessive speeding on South Buckhout Street. He recounted his original proposal to make that street a dead end street with a parking lot at the end of it. Mayor Flood indicated that this idea may be revisited.

Ms. Fragomen noted that with the Library and seniors' apartments being located at the bottom of Main Street, it would make sense to have a bus which would run up and down Main Street for seniors' transportation.

Mr. Cooper-Mullen asked what the cost of the apartments would be and whether the railroad noise would be a problem. Mr. Saraceno stated approximately \$85,000. In addition, he did not know how residents currently react to this noise. Mr. Meszaros indicated that he did not find the railroad noise to be a problem.

Ms. Coddington asked the Board when there would be a chance for more public involvement. Trustee Pouch stated that he hopes that the development contract will get finalized by December and that the public could get involved again in January or February.

Mr. Ferguson cautioned the Board from proceeding too fast. Adele Warnock also reiterated that point. Ms. Denyer thanked the Board for their openness on this issue.

Mayor Flood thanked all those in attendance for coming out on such a rainy evening and adjourned the informational public meeting on the Library Expansion Project.

Trustee Attai noted that the Beautification Committee has just had a work day today. In addition, she noted that the Town Hall Theater was filled over the weekend for "Oliver". Superintendent of Public Works Bob Bauer noted that the Village would be switching back onto the Croton Aqueduct system on December 1st.

Trustee McNiff noted that the Village has received a report from a consultant making recommendations regarding the needs for expansion of the fire house. This report is being reviewed by Village officials.

Trustee Pouch noted that E. Sunnyside Lane has been paved and leaf collection would be continuing until early December, as necessary.

Trustee Beeney noted that the Police Department would be holding a "Safe Smiles" program on Saturday, December 3rd, in conjunction with the county police. Youngsters can have photos taken for identification purposes. He also reviewed the October police report.

Administrator Steve McCabe announced that the next regular meeting would take place on Tuesday, December 6th rather than Monday, December 5th.

Clerk-Treasurer Lawrence Schopfer announced the results of bids received for the purchase of one adult passenger bus for the Recreation Department as follows:

Lennox Equipment	\$46,209
Arcola Bus Sales	\$48,996

He noted that the low bidder, Lennox Equipment, met all bid specifications and recommended that the Board award the bid as such. Trustee Attai made a motion to award the contract to Lennox Equipment as indicated. The motion was seconded by Trustee McNiff and unanimously approved.

Mr. Schopfer described the proposed investment policy for the Village of Irvington. He noted that this policy was required by the State Comptroller and should be reviewed and updated on an annual basis. Trustee Pouch stated that he had reviewed the policy and thought that it was appropriate. With that, he made a motion to adopt the proposed investment policy. The motion was seconded by Trustee Attai and unanimously approved.

Mayor Flood questioned what the last date was to place an item on the ballot for the March Village elections. Village Attorney Kevin Plunkett indicated that he would research the matter and respond accordingly.

Mayor Flood also questioned whether the crosswalk law was being enforced. Chief Denike noted that his officers have given out several tickets and been involved with several warning situations. This is having the effect of educating people about the crosswalk law.

Trustee Pouch made a motion to approve the November bills for payment subject to audit. The motion was seconded by Trustee McNiff and unanimously approved.

Trustee Pouch made a motion for the Board to adjourn to executive session to take up litigation and personnel matters. The motion was seconded by Trustee McNiff and unanimously approved.

Upon reconvening from executive session, the Board approved the Tarak-Banerjæe curb cut application.

There being no further business to conduct, the meeting was adjourned.

Lawrence S. Schopfer, Clerk-Treasurer

Attachments